

# TYPE III DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & RECOMMENDATION

Form DS1300 PLD



**Project Name:** NORWAY GREEN SUBDIVISION

**Case Number:** PLD2009-00049; SEP2009-00085; BLA2009-00033;  
HAB2009-00076

**Location:** 36400 SE 20<sup>th</sup> Street

**Request:** Subdivide approximately 50 acres into 9 single-family residential lots in two phases located in the R-5 zoning district

**Applicant:** Sterling Design, Inc.  
Attn: Joel Stirling  
2208 E. Evergreen Blvd. Suite A  
Vancouver, WA 98661  
**Phone** - (360) 759-1794, **Fax** - (360) 759-4983  
**E-mail** - [joel@sterling-design.biz](mailto:joel@sterling-design.biz)

**Owner:** John & Georgiana Warta  
PO Box 1088  
Camas, WA 98607

## **RECOMMENDATION**

**Approval**, subject to conditions

**Team Leader's Initials:** *MS* **Date Issued:** December 30, 2009

**Public Hearing Date:** January 14, 2010

### **County Review Staff:**

|                                 | <b><u>Name</u></b>    | <b><u>Phone Ext</u></b> | <b><u>E-mail Address</u></b>   |
|---------------------------------|-----------------------|-------------------------|--|
| <b>Planner:</b>                 | Richard Daviau        | 4895                    | <a href="mailto:richard.daviau@clark.wa.gov">richard.daviau@clark.wa.gov</a>   |
| <b>Engineer:</b>                | David Bottamini, P.E. | 4881                    | <a href="mailto:david.bottamini@clark.wa.gov">david.bottamini@clark.wa.gov</a> |
| <b>Biologist</b>                | George Fornes         | 5601                    | <a href="mailto:george.fornes@clark.wa.gov">george.fornes@clark.wa.gov</a>     |
| <b>Fire Marshal<br/>Office:</b> | Tom Scott             | 3323                    | <a href="mailto:tom.scott@clark.wa.gov">tom.scott@clark.wa.gov</a>             |
| <b>Team Leader:</b>             | Michael Butts         | 4137                    | <a href="mailto:michael.butts@clark.wa.gov">michael.butts@clark.wa.gov</a>     |
| <b>Eng. Supervisor:</b>         | Sue Stepan, P.E.      | 4064                    | <a href="mailto:sue.stepan@clark.wa.gov">sue.stepan@clark.wa.gov</a>           |

**Comp Plan Designation:** R-5

**Zoning:** R-5

**Legal Description:** Lot 1 of Huffmans Subdivision (J-124, 143253-002) located in the Southwest quarter of Section 34, Township 2 North, Range 4 East of the Willamette Meridian

**Applicable Laws:**

Clark County Code: Title 15 (Fire Prevention), Section 40.210.020 (Rural Districts), Section 40.350 (Transportation), Section 40.350.020 (Transportation Concurrency), Chapter 40.380 (Stormwater & Erosion Control), 40.440 (Habitat), Sections 40.500 and 40.510 (Procedures), Section 40.540 (Land Division Ordinance), Section 40.570 (SEPA), 40.570 (SEPA Archaeological), Section 40.610 (Impact Fees), 24 (Public Health), RCW 58.17, and the Clark County Comprehensive Plan

**Neighborhood Association:**

Washougal River Neighborhood Association, **Contact** - Attn: Kevin Addis (President), 512 NE 302<sup>nd</sup> Avenue, Washougal, WA 98671

**Time Limits:**

The application was submitted on September 29, 2009 and determined to be fully complete on October 20, 2009. The project was on-hold from October 21, 2009 to November 6, 2009. Therefore, the County Code requirement for issuing a decision within 92 days lapses on February 5, 2010.

**Vesting:**

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application can earlier contingently vest if a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on April 23, 2009. The pre-application conference information was sufficiently complete to qualify for contingent vesting and the formal application was submitted within the required 180 days from issuance of the Pre-Application Conference Report. Therefore, the application is vested on the pre-application submittal date of April 1, 2009. The application vested for transportation concurrency on October 20, 2009.

**Public Notice:**

Notice of application and public hearing was mailed to the applicant, the neighborhood association and property owners within 500 feet of the site on November 19, 2009. One sign was posted on the subject property and two within the vicinity on December 30, 2009. Notice of the SEPA Determination and public hearing was published in the "Columbian" Newspaper on November 19, 2009.

**Public Comments:**

The County has not received public comments from neighbors to date.

## Project Description/Background

The applicant is proposing to subdivide approximately 50 acres into nine single-family rural lots. The site is located on the north side of SE 20<sup>th</sup> Street and east of SE 357<sup>th</sup> Avenue. A mapped DNR Type Ns stream flows through northern portions of the property. The applicant proposes to adjust .46 acres of the site (along the north side of proposed Lot 1) to Lot 2 of Huffmans Subdivision (J-124). The site is located within the Washougal School District and East County Fire District.

The following is a comprehensive plan, zoning, and use chart of the area surrounding the site:

| Compass | Comp Plan | Zoning | Current Land Use          |
|---------|-----------|--------|---------------------------|
| Site    | R-5       | R-5    | Single-family residential |
| North   | AG        | AG-20  | Single-family residential |
| South   | R-5       | R-5    | Single-family residential |
| East    | R-5       | R-5    | Single-family residential |
| West    | R-5       | R-5    | Single-family residential |

## Major Issues and Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- |                                 |  |
|---------------------------------|--|
| 1. Earth                        | 9. Housing                             |
| 2. Air                          | 10. Aesthetics                         |
| 3. Water                        | 11. Light and Glare                    |
| 4. Plants                       | 12. Recreation                         |
| 5. Animals                      | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation                     |
| 7. Environmental Health         | 15. Public Services                    |
| 8. Land and Shoreline Use       | 16. Utilities                          |

Then staff reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

### Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

## **LAND USE:**

### Finding 1 - Comprehensive Plan and Zoning Designation

The subject site was designated R-5 (from AG-20) effective January 2008, but an appeal of that designation resulted in an invalidity order. This designation and invalidity order is subject of further appeal and the final outcome is not certain. However, the pre-application conference was contingently vested as of April 1, 2009 (prior to the invalidity order) and that vesting has not lapsed. Staff has been advised by the Prosecuting Attorney's Office that the application can proceed under the R-5 designation regardless of the outcome of the appeal.

### Finding 2 - Boundary Line Adjustment (BLA)

The applicant proposes to Boundary Line Adjust .46 acres of the site (along the north side of proposed Lot 1) to Lot 2 of Huffmans Subdivision (J-124). Since the .46 acres to be adjusted is part of the subject site and the property receiving the adjustment is a legal lot of record, no further documentation is needed at this time. Prior to final plat approval, documentation that the BLA was completed shall be submitted or the .46 acres shall become part of proposed lot 1. (See Condition D-1)

### Finding 3 - Development Standards

The project is located in the R-5 zone that requires a minimum lot size of five acres. The minimum lot width requirement is 100 feet, and the minimum lot depth requirement is 140 feet. All five lots meet these standards. The minimum setbacks are as follows:

- Front - 50 feet
- Street side - 25 feet\*
- \*30 foot rear and side Fire Marshal setback
- 50 feet abutting the adjacent AG-20 zone

A landscape plan shall be submitted with the final plat that shows compliance with L3 (50-foot) buffer standards along the north of proposed lots 8 and 9 abutting the AG-20 zone and L1 buffer standards along the southern portions of proposed lots 1 and 2 that are adjacent to the AG-20 zone. These buffers shall be in place prior to final plat approval unless construction requires deferral until the time of home construction. See CCC 40.320.010 for landscape/buffer requirements and Condition D-12

### Finding 4 - State Platting Standards (RCW 58.17)

With conditions of approval, staff finds the proposed subdivision will make appropriate provisions for public health, safety, and general welfare of the community. Proof of adequate water and sewer service, as well as treatment of any increase of stormwater runoff, will be provided, to protect groundwater supply and integrity. Impact Fees will also be required to contribute a proportionate share toward the costs of school and transportation provisions, maintenance and services.

## **Conclusion (Land Use):**

Staff concludes that the proposed preliminary plan meets the land use requirements of the Clark County Code subject to conditions.

## **HABITAT:**

### Finding 5

A mapped Department of Natural Resources (DNR) Type Ns stream flows through portions of the property. According to Title 40.440.010(C)(1)(a), a DNR Type Ns

watercourse requires a 75-foot riparian Habitat Conservation Zone (HCZ) in order to protect fish and wildlife habitat. The riparian HCZ extends 75' horizontally outward from the ordinary high water mark. The preliminary plat shows an "Existing 100' Environmental Buffer" around the vicinity of the stream, and building envelopes that appear to avoid the riparian HCZ.

#### Finding 6

Staff visited the site on November 25, 2009 in order to verify the location of the stream. Staff observed a series of braided channels in the headwaters of the stream, as opposed to a single stream channel as shown on the preliminary plat. Staff used GPS to map the approximate location of the multiple channels.

Although the regulated stream covers more area than shown in the preliminary plat, the regulated 75-foot riparian zone is smaller than the 100-foot zone shown on the plat. Overall, these differences balance out so that the proposed building envelopes avoid the regulated area.

The proposed building envelopes comply with the exemption criterion identified in Table 40.440.010-1, row 2 of the Habitat Conservation Ordinance.

#### **Conclusion (Habitat):**

The proposed subdivision complies with the Habitat Conservation Ordinance, subject to Conditions D-2 and D-11a.

#### **ARCHEOLOGICAL:**

##### Finding 7

The proposal is located within a high probability area for containing cultural resources and the Washington State Department of Archaeology and Historic Preservation (DAHP) completed an archaeological review. A historic resource (the Mt. Norway School) is located on the site. DAHP has determined that no further archaeological work is needed if a 30-foot buffer around the foundation of the historic building can be established. The final plat shall identify the 30-foot buffer around the foundation of the historic building on-site. (See Condition D-3)

The standard conditions regarding discovery of resources will be applied. (See Condition A-1a and D11-b)

#### **TRANSPORTATION CONCURRENCY:**

##### Finding 8

The applicant submitted a traffic profile for this proposal in accordance with CCC 40.350.020.B. Staff has determined that additional trips associated with the proposed development do not exceed travel speed, delay and LOS standards. The intersections in the vicinity of the proposed development would be minimally impacted by the proposed development. Therefore, further analysis and mitigation by the applicant were not required. The proposed development complies with the Concurrency Ordinance CCC 40.350.020.

#### **TRANSPORTATION**

##### Finding 9 - Frontage Roads

SE 20<sup>th</sup> Street to the south and SE 357<sup>th</sup> Avenue are classified as "Rural Minor Collector" roadways. The half-width right-of-way dedication that is required is 30 feet.

The applicant has provided information indicating the rights-of-way exist and thus no additional dedication is required.

#### Finding 10 - Access Driveways

Residential driveways in the rural area will not be permitted to access collectors if direct lot access is available to an existing rural access road as defined in Table 40.350.030-5 per CCC 40.350.030 (B)(4)(c)(2)(b). A rural access road does not exist allowing for that access. The applicant shall space driveways that access the frontage roads such that the minimum driveway spacing is 230 feet. (See Conditions D-11e and F-1)

Driveways shall have a minimum width of 12 feet of clear, unobstructed driving surface. Driveways longer than 300 feet shall be constructed with an approved turnaround at the terminus and approved turnouts at maximum 500-foot intervals (see the standard detail's manual, drawing #33). Where connecting to a paved rural street, public or private, the connecting road or driveway shall be paved 20 feet back from the edge of the nearest travel lane or right-of-way, whichever is greater. (See Plat Note D-11d)

Proposed lots #4, #7, and #8 will take access from a proposed 30-foot wide joint driveway easement that is to provide access from SE 20<sup>th</sup> Street. At a minimum, the driveway shall be constructed from SE 20<sup>th</sup> Street to proposed lot #8 with a temporary turnaround. Proposed lot #9 will take access to SE 357<sup>th</sup> Avenue through an existing 30-foot private access and utility easement. The applicant has submitted information via an e-mail dated December 11, 2009 that states the easement does not restrict access from proposed lot #9. The remaining proposed lots will take access to the frontage roadways. (See Condition A-3a)

#### Finding 11 - Phasing

The applicant is responsible for providing all necessary transportation improvements required for each individual phase including temporary turnarounds. The required transportation improvements for each proposed phase will be reviewed during final engineering review. (See Condition A-3b)

#### Finding 12 - Sight Distance

The approval criteria for sight distances are found in CCC 40.350.030(B)(8). This section establishes minimum sight distances at intersections and driveways. Additional building setbacks may be required for corner lots in order to maintain adequate sight distance. Landscaping, trees, utility poles, and miscellaneous structures will not be allowed to impede required sight distance requirements at all proposed driveway approaches and intersections.

The applicant provided a sight distance letter dated December 11, 2009 indicating all proposed lots have the ability to meet sight distance requirements provided vegetation is regularly trimmed back. The analysis recommends that when future homes are designed, a licensed engineer be retained to evaluate the location to verify the scope of vegetation clearing and potential grading required for 500' of sight distance. (See Condition D-11f)

#### **Conclusion (Transportation):**

Staff concludes that the proposed preliminary plan, subject to the conditions and plat notes identified above, meets the Clark County transportation requirements.

## **STORMWATER:**

### Finding 13 - Applicability

The Stormwater and Erosion Control Ordinance (CCC 40.380) applies to development activities that result in 5,000 square feet or more of new impervious area within the rural area and all land disturbing activities.

The project will create more than 5,000 square feet of new impervious surface, and is a land disturbing activity not exempted in section 40.380.030. Therefore, this development shall comply with the Stormwater and Erosion Control Ordinance (CCC 40.380). The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in CCC 40.380.050. This project is subject to the erosion control ordinance.

### Finding 14 - Stormwater Proposal

The applicant has provided a preliminary stormwater report dated September, 2009. The preliminary stormwater plan proposes the use of swales, detention and dispersion on each lot.

Per CCC 40.380.040(C)(1)(g), the project shall not materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. According to CCC 40.380.050 (B)(8), properties and waterways downstream from development sites shall be protected from erosion due to increases in the volume, velocity, and peak flow rate of stormwater runoff from the project site. (See Condition A-4a)

At the time of building permit application, the home owner must submit a plan for drainage project review and obtain approval for the onsite stormwater control system, unless the stormwater control system for the lot is pre-designed and approved with the final stormwater plan. (See Conditions D-11g and E-2)

If applicable, a covenant running with the land must be recorded with the plat which provides the county inspection staff permission to inspect individual onsite stormwater systems with prior notification. (See Condition D-9d)

### Finding 15 - Geologic Hazard Area

All development activities in or adjacent (within 100 feet) to geologic hazard areas shall comply with the provisions of CCC 40.430. The applicant shall provide a geotechnical engineering analysis that addresses definitions of CCC 40.430.010(C) and identifies associated setbacks prior to final plat. Steep slope setbacks shall be delineated on the final plat. (See Plat Note D-9e)

### Finding 16 - Grading

A grading permit in compliance with CCC 14.07 is required if excavation exceeds 50 cubic yards and a SEPA is required if the amount of cut or fill exceeds 500 cubic yards (see Condition A-6).

## **Conclusion (Stormwater):**

Staff concludes that the proposed preliminary stormwater plan, subject to the plat notes and conditions above, is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.

## **FIRE PROTECTION:**

### Finding 17 - Fire Marshall Review

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323, or e-mail at [tom.scott@clark.wa.gov](mailto:tom.scott@clark.wa.gov). Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (See Condition E-1)

### Finding 18 - Fire Flow/Hydrants

Fire flow in the amount of 500 gallons per minute supplied for 30 minutes duration is required for this application. Information from the water purveyor indicates that the required fire flow is not available within 1000 feet of the property line. Fire hydrants will not be required. Alternative construction methods shall be used to meet fire flow; this will require 30 foot rear and side setbacks and a class "A" rated roof. An automatic fire sprinkler system may be required for new residential structures exceeding 3,600 sq. ft. of habitable space. (See Condition D-4)

### Finding 19 - Fire Apparatus Access/Turnaround

The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. Provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. (See Condition D-5)

All other new private driveways in excess of three hundred (300) feet in length shall be provided with an approved turnaround at the terminus. Turnouts shall be provide at intervals five hundred (500) feet or less, such that no portion of the driveway is in excess of three hundred (300) feet from an approved turnaround or turnout. (See Condition D-6)

## **Conclusion (Fire Protection):**

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the fire protection requirements of the Clark County Code.

## **WATER & SEWER SERVICE:**

### Finding 20

The use of water wells and/or septic systems are proposed to serve the site. A "Health Department Evaluation Letter" has been submitted that confirms the Health Department conducted an evaluation of the site and concludes that the proposed on-site wells and septic systems are feasible, subject to conditions of approval. However, the Health Department has determined that only six lots can be served with on-site well unless the applicant obtains a Washington State Department of Ecology issued water right or connects to public water. The applicant proposes to phase the project where Phase 1 is five new lots and the lot with the existing residence. This phase is acceptable to the Health Department. Phase 2, consisting of four lots, could not be completed unless



applicant obtains a Washington State Department of Ecology issued water right or connects to public water. This is acceptable to staff. (See Condition D-7)

Where use of wells or septic systems are proposed, the Health Department must sign the final plat prior to submittal to the county for final plat review and recording (See Condition D-8).

### **IMPACT FEES:**

#### Finding 21

All residential lots created by this plat (except proposed lot 3 with the existing residence) will produce impacts on schools and traffic, and will be subject to School (SIF) and Traffic Impact Fees (TIF) per dwelling. The site is located in the Rural 2 transportation sub-area with a TIF of \$593.82 per dwelling. The site is located in the Washougal School District with a SIF of \$5,339.39 per dwelling

Impact fees shall be paid prior to issuance of a building permit for each lot. If a building permit application is made more than three years following the date of preliminary plat approval, the impact fees will be recalculated according to the then-current ordinance rate. (See Condition D-9f & E-3)

## **SEPA DETERMINATION**

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on November 19, 2009 is hereby final.

### **SEPA Appeal Process:**

An **appeal** of this SEPA determination and any required mitigation must be filed with the Community Development Department within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$1,493**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

*Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.*

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section

40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;

3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner is final unless there is:

- A motion if filed for reconsideration within fourteen (14) days of written notice of the decision, as provided under Clark County Code, Section 251.160; or,
- An appeal with Clark County Superior Court.

### **Staff Contact Persons:**

**Planner:** Richard Daviau - (360) 397-2375, ext. 4895

**Team Leader/Responsible Official:** Michael V. Butts, (360) 397-2375, ext. 4137

## **RECOMMENDATION**

Based upon the proposed plan and the findings and conclusions stated above, staff recommends the Hearings Examiner **APPROVE** this request, subject to the understanding that the applicant is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval:

## **Conditions of Approval**

### **A Final Construction Plan Review for Land Division Review & Approval Authority: Development Engineering**

Prior to construction, a Final Construction shall be submitted for review and approval, consistent with the approved preliminary plan and the following conditions of approval:

- A-1 **Final Construction Plan** – The applicant shall submit and obtain County approval of a final construction plan in conformance to CCC 40.350 and the following conditions of approval:
- a. Archaeology - A note shall be placed on the face of the final construction plans "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines".
- A-2 **Transportation:**
- a. Signing and Striping Plan: The applicant shall submit a signing and striping plan and a reimbursable work order, authorizing County Road Operations to perform any signing and pavement striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat or final site plan approval.

- b. **Traffic Control Plan:** Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.

A-3 **Final Transportation Plan (On-Site & Frontage)** - The applicant shall submit and obtain County approval of a final transportation design in conformance with CCC 40.350 and the following conditions of approval:

- a. At a minimum, the proposed joint driveway accessing SE 20<sup>th</sup> Street shall be constructed from SE 20<sup>th</sup> Street to proposed lot #8 with a temporary turnaround (see Finding 10).
- b. The applicant is responsible for providing all necessary transportation improvements required for each individual phase including temporary turnarounds. The required transportation improvements for each proposed phase will be reviewed during final engineering review. (See Finding 11)

A-4 **Final Stormwater Plan** - The applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 40.380 and the following condition of approval:

- a. Per CCC 40.380.040(C)(1)(g), the project shall not materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. According to CCC 40.380.050 (B)(8), properties and waterways downstream from development sites shall be protected from erosion due to increases in the volume, velocity, and peak flow rate of stormwater runoff from the project site. (See Finding 14)

A-5 **Erosion Control Plan** - The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.

A-6 **Excavation and Grading** - Excavation/grading shall be performed in compliance with CCC 14.07. A grading permit is required if excavation exceeds 50 cubic yards and a SEPA is required if the amount of cut or fill exceeds 500 cubic yards.

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| <b>B</b> | <b>Prior to Construction of Development<br/>Review &amp; Approval Authority: Development Inspection</b> |
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Prior to construction, the following conditions shall be met:

B-1 **Pre-Construction Conference** - Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.

B-2 **Erosion Control** - Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

B-3 **Erosion Control** - Erosion control facilities shall not be removed without County approval.

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| <b>C</b> | <b>Provisional Acceptance of Development</b><br><b>Review &amp; Approval Authority: Development Inspection</b> |
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Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction/land division plan and the following conditions of approval:

C-1 None

|          |   |
|----------|---|
| <b>D</b> | <b>Final Plat Review &amp; Recording</b><br><b>Review &amp; Approval Authority: Development Engineering</b> |
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Prior to final plat approval and recording, the following conditions shall be met:

- D-1 Recorded documentation that the BLA was completed shall be submitted or the proposed adjusted area (.46 acres) shall become part of proposed lot 1 (see Finding 2).
- D-2 The applicant shall clearly show building envelopes and habitat areas on the face of the final plat. Any revisions to the proposed building envelopes will require additional review. (See Findings 5 and 6)
- D-3 The final plat shall identify a 30-foot buffer around the foundation of the historic building on-site (see Finding 7).
- D-4 Alternative construction methods shall be used to meet fire flow; this will require 30 foot rear and side setbacks and a class "A" rated roof. An automatic fire sprinkler system may be required for new residential structures exceeding 3,600 sq. ft. of habitable space. (See Finding 18)
- D-5 The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus (see Finding 19).
- D-6 All other new private driveways in excess of three hundred (300) feet in length shall be provided with an approved turnaround at the terminus. Turnouts shall be provide at intervals five hundred (500) feet or less, such that no portion of the driveway is in excess of three hundred (300) feet from an approved turnaround or turnout. (See Finding 19)
- D-7 Phase 2, consisting of four lots, can not be finaled (Platted) unless applicant obtains a Washington State Department of Ecology issued water right or connects to public water (see Finding 20).
- D-8 Where use of wells or septic systems are proposed, the Health Department must sign the final plat prior to submittal to the county for final plat review and recording.
- D-9 **Developer Covenant** - A "Developer Covenant to Clark County" shall be submitted for recording to include the following:
  - a. Critical Aquifer Recharge Areas - "The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be

avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."

- b. Erosion Control - "Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."
- c. Responsibility for Stormwater Facility Maintenance: For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. Final plats shall specify the party(s) responsible for long-term maintenance of stormwater facilities within the Developer Covenants to Clark County. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.060.
- d. If applicable, a covenant running with the land must be recorded with the plat which provides the county inspection staff permission to inspect individual onsite stormwater systems with prior notification.
- e. Geohazard Area: The applicant shall provide a geotechnical engineering analysis that addresses definitions of CCC 40.430.010(C) and identifies associated setbacks prior to final plat. Steep slope setbacks shall be delineated on the final plat
- f. Impact Fees: "In accordance with CCC 40.610, the School and Traffic Impact Fees for each dwelling in this subdivision are: \$5,339.39 (Washougal School District) and \$593.82 (Rural 2 TIF subarea) respectively. The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated \_\_\_\_\_, and expiring on \_\_\_\_\_. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

D-10 **Addressing** - At the time of final plat, existing residence(s) that will remain may be subject to an address change. Addressing will be determined based on point of access.

D-11 **Plat Notes** - The following notes shall be placed on the final plat:

- a. Habitat: In regards to development envelopes. "No clearing or development activities shall occur outside the development envelope shown on the face of

this site plan unless the activities are exempt from, or approved under, the provisions of the Clark County Habitat Conservation Ordinance (CCC 40.440)."

- b. Archaeological (all plats): "If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."
- c. Utilities: "An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."
- d. Driveways: " Driveways shall have a minimum width of 12 feet of clear, unobstructed driving surface. Where connecting to a paved rural street, public or private, the driveway shall be paved 20 feet back from the edge of the nearest travel lane or right-of-way, whichever is greater. Driveways longer than 300 feet shall be provided with an approved turnaround at the terminus. There shall also be approved turnouts constructed such that the maximum distance from turnout to turnout or from turnout to turnarounds does not exceed 500 feet."
- e. Driveway Spacing: "The applicant shall space driveways that access SE 357<sup>th</sup> Avenue and SE 20<sup>th</sup> Street such that the minimum driveway spacing is 230 feet."
- f. Sight Distance: "A licensed engineer shall evaluate the driveway locations to verify the scope of vegetation clearing and potential grading required for 500' of sight distance."
- g. Stormwater: "At the time of building permit application, the home owner must submit a plan for drainage project review and obtain approval for the onsite stormwater control system, unless the stormwater control system for the lot is pre-designed and approved with the final stormwater plan."
- h. Privately Owned Stormwater Facilities: "The following party(s) is responsible for long-term maintenance of the privately owned stormwater facilities:  
\_\_\_\_\_."

D-12 **Landscaping** - A landscape plan shall be submitted that shows compliance with L3 (50-foot) buffer standards along the north of proposed lots 8 and 9 abutting the AG-20 zone and L1 buffer standards along the southern portions of proposed lots 1 and 2 that are adjacent to the AG-20 zone. These buffers shall be in place prior to final plat approval unless construction requires deferral until the time of home construction. (See Finding 3)

|          |  |
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| <b>E</b> | <b>Building Permits</b>                                  |
|          | <b>Review &amp; Approval Authority: Customer Service</b> |

Prior to issuance of a building permit, the following conditions shall be met:

- E-1 Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process.
- E-2 Stormwater and Erosion Control:
- a. At the time of building permit application, the home owner must submit a plan for drainage project review and obtain approval for the onsite stormwater control system, unless the stormwater control system for the lot is pre-designed and approved with the final stormwater plan.
  - b. Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.
  - c. Erosion control facilities shall **not** be removed without County approval.
- E-3 **Impact Fees** - The applicant shall pay impact fees for the proposed lots as follows (There will be a one lot impact fee credit due to the existing residence):
- a. \$5,339.39 per dwelling for School Impact Fees (Washougal School Dist.)
  - b. \$593.82 per dwelling for Traffic Impact Fees (Rural 2 TIF Sub-area)

If the building permit application is made more than three years following the date of preliminary site plan approval, the impact fees shall be recalculated according to the then-current rate.

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| <b>F</b> | <b>Occupancy Permits</b><br><b>Review &amp; Approval Authority: Building</b> |
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Prior to issuance of an occupancy permit, the following conditions shall be met:

- F-1 **Transportation** - A Road Approach Permit must be applied for and approved for all new driveways accessing public roads that have not been previously permitted.

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| <b>G</b> | <b>Development Review Timelines &amp; Advisory Information</b><br><b>Review &amp; Approval Authority: None - Advisory to Applicant</b> |
|----------|--|

- G-1 **Land Division** - Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.
- G-2 **Department of Ecology Permit for Construction Stormwater** - A permit from the Department of Ecology (DOE) is required If:
- The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; **AND**
  - There is a possibility that stormwater could run off the development site during construction and into surface waters or conveyance systems leading to surface waters of the state.

The cumulative acreage of the entire project whether in a single or in a multiphase project will count toward the one acre threshold. This applies even if the applicant is responsible for only a small portion [less than one acre] of the larger project planned over time. **The applicant shall Contact the DOE for further information.**

**G-3 Building and Fire Safety**

Building and Fire, Life, and Safety requirements must be addressed through specific approvals and permits. This decision may reference general and specific items related to structures and fire, life, and safety conditions, but they are only for reference in regards to land use conditions. It is the responsibility of the owner, agent, tenant, or applicant to insure that Building Safety and Fire Marshal requirements are in compliance or brought into compliance. Land use decisions do not waive any building or fire code requirements.

**Note: Any additional information submitted by the applicant within fourteen (14) calendar days prior to or after issuance of this report, may not be considered due to time constraints. In order for such additional information to be considered, the applicant may be required to request a hearing extension and pay an open record or continuance fee of \$1,900.**

**HEARING EXAMINER DECISION  
AND APPEAL PROCESS**

This report to the Hearing Examiner is a recommendation from the Development Services Division of Clark County, Washington.

The Examiner may adopt, modify or reject this recommendation. The Examiner will render a decision within 14 calendar days of closing the public hearing. The County will mail a copy of the decision to the applicant and neighborhood association within 7 days of receipt from the Hearing Examiner. All parties of record will receive a notice of the final decision within 7 days of receipt from the Hearing Examiner.

**Motion for Reconsideration:**

Any party of record to the proceeding before the hearings examiner may file with the responsible official a motion for reconsideration of an examiner's decision within fourteen (14) calendar days of written notice of the decision. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

The motion must be accompanied by the applicable fee and identify the specific authority within the Code or other applicable laws, and/or specific evidence, in support of reconsideration. A motion may be granted for any one of the following causes that materially affects their rights of the moving party:

- a. Procedural irregularity or error, clarification, or scrivener's error, for which not fee will be charged;



- b. Newly discovered evidence, which the moving party could not with reasonable diligence have timely discovered and produced for consideration by the examiners;
- c. The decision is not supported by substantial evidence in the record; or,
- d. The decision is contrary to law.

Any party of record may file a written response to the motion if filed within fourteen (14) calendar days of filing a motion for reconsideration.

The examiner will issue a decision on the motion for reconsideration within twenty-eight (28) calendar days of filing of a motion for reconsideration.

#### **Appeal Rights:**

Any party of record to the proceeding before the hearing examiner may appeal any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), to the Superior Court.

#### **Attachments:**

- Proposed Plot Plan
- List of Exhibits Received to Date

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center  
Community Development Department  
1300 Franklin Street  
P.O. Box 9810  
Vancouver, WA 98666-9810  
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:  
Web Page at: <http://www.clark.wa.gov>

## **Final Decision Attachment**

**For Employee Use Only** - This is not part of the decision, but rather an attachment for processing purposes only.

| <b>Final Plans Required with Construction Plans</b> | <b>YES</b> | <b>NO</b> |
|---|------------|-----------|
| Final Landscape Plan:                               |            |           |
| -On-site landscape plan                             | <b>X</b>   |           |
| -Right-of-way landscape plan*                       |            |           |
| Final Wetland Plan                                  |            |           |
| Final Habitat Plan                                  | <b>X</b>   |           |

\*Final right-of-way landscape plan required for projects fronting on arterial and collector streets.

**Note:** If final plan submittals are required, list each plan under Case Notes in Permit Plan for future reference.









# HEARING EXAMINER EXHIBITS

**APPLICATION:** Norway Green Subdivision

**CASE NUMBERS:** PLD2009-00049

**Hearing Date:** 1/14/10

| EXHIBIT NO. | DATE     | SUBMITTED BY                                   | DESCRIPTION   |
|-------------|----------|--|---|
| 1           |          | CC Development Services                        | Aerial Map  |
| 2           |          | CC Development Services                        | Vicinity Map  |
| 3           |          | CC Development Services                        | Zoning Map  |
| 4           |          | CC Development Services                        | Comprehensive Plan Map  |
| 5           | 9/29/09  | Applicant: Sterling Design                     | Full Size Plans   |
| 6           | 9/29/09  | Applicant: Sterling Design                     | Application Packet: Cover Sheet, Application Form, Application Fee, Pre-App Rpt, GIS Packet, Narrative, Legal Lot Det, Approved Prelim Plans abutting Site, PreLim Boundary Survey, Soils Analysis Rpt, Stormwater TIR Rpt, PreLim Dev Plan, Engineer Statement, Traffic Study, SEPA, Proof of ARCH Pre-Det, Sewer Dist Ltr, Water Utility Rvw, Health Dept Eval Ltr, CC&R's, Associated Apps: Cross Circulation Plan, BLA, Habitat Pre-Det |
| 7           | 10/20/09 | CC Development Services                        | Development Review Fully Complete Determination   |
| 8           | 11/9/09  | CC Development Services                        | REVISED - Development Review Fully Complete Determination   |
| 9           | 11/19/09 | CC Development Services                        | Notice of Type III Dev Review/Optional SEPA & Public Hearing  |
| 10          | 11/19/09 | CC Development Services                        | Affidavit of Mailing Public Notice  |
| 11          | 11/30/09 | Confederated Tribes/Bands of the Yakama Nation | Comment Letter  |
| 12          | 12/1/09  | Dept. of Fish & Wildlife                       | Comment Letter  |
| 13          | 12/2/09  | Futurewise                                     | Comment Letter  |
| 14          | 12/3/09  | Dept. of Archaeology/Historic                  | Comment Letter  |
| 15          | 12/4/09  | Dept. of Ecology                               | Comment Letter  |
| 16          | 12/23/09 | CC Development Services                        | Notice of Public Hearing  |

|    |          |   |   |
|----|----------|---|---|
| 17 | 12/30/09 | CC Development Services   | Affidavit of Posting Public Notice  |
| 18 | 12/30/09 | CC Development Services –<br>Richard Daviau, the Project<br>Planner | Type III Development & Environmental<br>Review, Staff Report & Recommendation |

Copies of these exhibits can be viewed at:

Department of Community Development / Planning Division  
1300 Franklin Street  
Vancouver, WA 98666-9810